



# SBA Information Notice

**TO:** All SBA Employees

**CONTROL NO.:** 8000-600

**SUBJECT:** Passage of the Emergency Supplemental Appropriations For Defense and For the Reconstruction of Iraq and Afghanistan

**EFFECTIVE:** 11-26-2003

On November 6, 2003, the President signed PL 108-106, "Making Emergency Supplemental Appropriations For Defense And For The Reconstruction Of Iraq And Afghanistan For The Fiscal Year Ending September 30, 2004."

## SBA's Small Business Procurement Preference Programs

The legislation reinforces the applicability of the Small Business Act (15 U.S.C. 631 *et seq.*) to all contract actions for the reconstruction of Iraq and Afghanistan even though the competition requirements exclude contracts of less than \$5 million dollars. This means that SBA's contract preference provisions may be used to make awards to small businesses at any value.

## Competition in Contracting

Under the legislation, full and open competition must be used. However, non-competitive contracts over \$5 million dollars may be authorized under very limited circumstances. The non-competitive provision preserves the prerogative of the Administrator of the Coalition Provisional Authority and the head of the executive agency to waive the requirement for full and open competition. This waiver must be preceded by Congressional notification.

## Access to the Public Law

The public law can be viewed on the internet at: <http://thomas.loc.gov>. (under Legislation, click on Bill Summary and Status, under Bill, Amendments, or Public Law, type in PL108-106, hit search).

For further information please contact: Dean Koppel at 202-205-6460.

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for Government Contracting and  
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Expires: 2/1/2004

**EXPIRES: 2-01-2004**

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SBA Form 1353.3 (4-93) MS Word Edition; previous editions obsolete  
Must be accompanied by SBA Form 58